

## STATEMENTS

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## STATEMENTS

**A Critique of the Proposals of  
*the Cabinet Mission for  
Indian Constitutional Changes  
in so far as they affect  
the Scheduled Castes  
(Untouchables)*  
by B. R. AMBEDKAR**

**\*Does the Indian National Congress Represent the Scheduled Castes  
(Untouchables) of India?**

The Cabinet Mission sent out to India by the Labour Government early this year to resolve the political deadlock in India set out a Scheme for the framing of the constitution by a Constituent Assembly. This Constituent Assembly is to be composed of representatives chosen by the members of the Provincial Legislatures by a single transferable vote. For the purposes of the composition of the Constituent Assembly the Cabinet Mission's Scheme has divided the members of the provincial legislatures into three categories (1) Muslims, (2) Sikhs and (3) General, each with a fixed quota of seats. Each category has a separate electorate whereby the Muslim representatives of the Constituent Assembly will be elected by the Muslim members of the Provincial Legislature, the Sikhs by the Sikh members and the General by all the rest. The ' general ' includes (1) Hindus, (2) Scheduled Castes, (3) Indian Christians, and (4) Anglo-Indians.

2. The Scheduled Castes of India were greatly surprised to find that they were lumped together with the Hindus. It has been declared time and again by His Majesty's Government that His Majesty's Government recognises that the Scheduled Castes are separate element in the national life of India and that His Majesty's Government will not impose any constitution to which the Scheduled Castes are not a willing party. The question is asked why the Cabinet Mission recognised the Muslims and the Sikhs as separate elements and why they refused to give the Scheduled Castes the same status?

In the debate that took place in Parliament on the 18th of July, on the proposals of the Cabinet Mission, Sir Stafford Cripps, Mr. Alexander and Lord Pethick-Lawrence tried to defend themselves against this criticism. Their argument was two-fold :—

- (1) That in the elections to the Provincial Legislature which took place in February last the seats reserved for the Scheduled Castes were captured by the Congress and that this shows that the Scheduled

Castes were with the Congress and trusted their destiny to the Congress i.e. the Hindus and that there was no ground for separating them.

- (2) That there is to be an Advisory Committee on the minorities in which the Scheduled Castes will be represented and will have a voice in the framing of the safeguards necessary for them.

The second defence is worse than useless. The reasons are obvious. The status and powers of the Advisory Committee are not defined. The quantum of representation of the Scheduled Castes is not prescribed. The decisions of the Advisory Committee are left to be carried by a bare majority. Lastly the Advisory Committee cannot be anything else than a mere reflection of the Constituent Assembly. The representatives of the Scheduled Castes in the Constituent Assembly all belong to the Congress Party and they do not represent the Scheduled Castes. They are therefore subject to the Mandate of the Congress Party. Those of them who will be put in the Advisory Committee will be subject to the same Party Mandate. They cannot put forth the real point of view of the Scheduled Castes either in the Constituent Assembly or on the Advisory Committee.

The principal line of defence used by the members of the Cabinet Mission in justification of their failure to give the Scheduled Castes separate and independent representation is that the Congress won the Scheduled Caste seats in the last election. Even this line of defence cannot stand. It is true that in *the final* election the Congress did capture the Scheduled Caste seats. But the reply is that this election results should not have been taken as the test for various reasons.

*Firstly* the parties such as the Scheduled Castes who had co-operated with the British Government were at a discount with the people on that very account.

*Secondly* the trial of the Indian National Army men which synchronised with the election placed the Congress at an advantage and other parties at a disadvantage. If the Indian National Army trial had not been staged at the time of the election the Congress would have lost completely, so low was its stock.

Apart from these two reasons why the election results should not have been as a test, there is a special reason why it should not have been taken to determine whether the Congress did or did not represent the Scheduled Castes. That reason is that the final election for the Scheduled Caste seats is by a system of joint electorate in which the Hindus also vote. The Hindu vote being preponderant it is easy for the Congress to elect a candidate belonging to the Scheduled Castes standing for the Scheduled Caste seats *entirely* by Hindu votes. That the Scheduled Castes representatives in the Provincial Legislatures who stood on the Congress ticket were elected solely by Hindu votes and not by the votes of the Scheduled Castes is a fact which

even the Cabinet Mission will not be able to deny.

The real test by which to determine whether the Congress represents the Scheduled Castes is to examine the results of the Primary Elections which preceded the Final Elections, for in the Primary Election the Scheduled Castes have a separate electorate in which the Hindus have no right to vote. The Primary Election therefore reflects the real sentiments of the Scheduled Castes. What does the result of the Primary Election show? Does it show that the Scheduled Castes are with the Congress?

The Scheduled Castes have been allotted 151 seats in the Provincial Legislatures. They are distributed among the different Provinces except Sindh and the North-West Frontier Province.

Primary Election is not obligatory. It becomes obligatory only if there are more than *four* candidates contesting for a seat.

In the last Primary Election, which preceded the Final Election, Primary Election became obligatory in 40 constituencies out of 151. They were distributed as follows: —

Madras ...	...	10
Bombay ...	...	3
Bengal ...	...	12
United Provinces	...	3
Central Provinces	...	5
Punjab ...	...	7

There were no Primary Elections in the Provinces of Bihar and Orissa.

The results of the Primary Elections in the 40 constituencies are tabulated in the Appendix, which accompanies this note. The results prove: —

(I) That out of 283 candidates the Congress put up only 46 candidates on its ticket (See Table I) and out of 168 successful candidates had only 38 to its credit (See Table V).

(II) The object of a Party in entering into a Primary Election is to drive out all rival parties from the Final Election by putting up at least four candidates on its party ticket. Whether a party can put up four candidates on its ticket depends upon how much confidence it has in the voters to vote for its party ticket. The Congress has not ventured to put up more than *one* candidate in each constituency. This shows that the Congress had no confidence that the Scheduled Caste voters would vote for the Congress ticket. If there is any party, which has ventured to put up four candidates for each seat it, has contested, it is the Scheduled Castes Federation. (See Table II, Parts I, V, Columns 3 and 4).

(III) Measured in terms of votes cast in favour of the Congress it is proved beyond dispute that the Congress obtained only 28 per cent of the total votes polled in the Primary Election (See Table IV).

(IV) If there was not the temptation to get oneself elected in the final election with the help of the Hindu votes the Independents would all be

members of the Scheduled Castes Federation. On that assumption the Scheduled Castes Federation is the only party which represents the Scheduled Castes and the 72 per cent voting in favour of the Non-Congress Parties should be set out to its credit (See Table IV).

The members of the Cabinet Mission argued that Dr. Ambedkar's following was confined to the Scheduled Castes in the Bombay Presidency and the Central Provinces only.

There is no foundation for this statement. The Scheduled Castes Federation is functioning in other Provinces as well and it has won notable electoral success as great as in Bombay and the Central Provinces. In making this statement the Mission has failed to take account of the signal victory Dr. Ambedkar secured in the election to the Constituent Assembly. He stood as a candidate from the Bengal Provincial Legislature Assembly. He secured 7 first preference votes and topped the poll so far as the general seats were concerned beating even Mr. Sarat Chandra Bose, the Leader of the Congress party. If Dr. Ambedkar has no influence outside Bombay and Central Provinces how did he get elected from Bengal? It must be further remembered that there are 30 seats for the Scheduled Castes in the Bengal Provincial Assembly. Out of the 30 as many as 28 were elected on the Congress ticket. Of the two who belonged to his party one fell ill on the day of election. This means that 6 Scheduled Caste members elected on the Congress ticket broke the Congress Mandate and voted for Dr. Ambedkar. This shows that even these Scheduled Caste members who belong to the Congress regard him as the leader of the Scheduled Castes. This is complete disproof of the statement made by the Mission.

The Congress has been so much encouraged by the surrender of the Mission that a letter addressed to the Mission the Congress has gone to the length of denying that the Scheduled Castes are a minority. This means that the Congress is not prepared to give the Scheduled Castes the same safeguards as they would to other minorities. The Mission has not repudiated this suggestion of the Congress. Herein lurks a great danger and it is necessary to pin down the Mission in the course of the debate and compel them to say if they do or do not regard the Scheduled Castes as a minority.

The Cabinet Mission have said in their proposals that before sovereignty is transferred Parliament will have to satisfy itself that the safeguards for Minorities are adequate. The Mission has nowhere defined the machinery for examining the safeguards. Whether there would be a Joint Committee of the two Houses of Parliament to examine the minority safeguards has not been made clear. The Mission has not even stated that His Majesty's Government will exercise its independent judgement in coming to its conclusion on the adequacy of the safeguards. It is necessary to have these matters defined because this provision was an afterthought with the Mission and did not form part of its original proposals which gives the impression that this was intended

merely to act as a sop to the minorities.

**Analysis of the Results  
of  
Primary Elections  
Held in December, 1945  
(Preliminary to the General Election in India Held in February 1946) for  
Choosing Candidates from the Scheduled Castes (Untouchables) for the  
Seats Reserved for the Scheduled Castes in the Provincial Legislatures  
of India**

*Note.* —The Tables in this Analysis are prepared from official figures.

TABLE I

Parties which contested the Primary election for seats reserved for Scheduled Castes shown Province-wise

Name of Party which put up Candidates to contest primary elections	The number of Candidates put up by each Party in -						Total number of Candidates put up by the Party in all the Provinces
	Madras	Bombay	Bengal	United Provinces	Central Provinces	Punjab	
1. Congress	10	3	13	11	5	4	46
2. Scheduled Castes Federation	35	6	8	9	12	none	70
3. Harijan League	none	None	none	1	3	none	4
4. No-Party Candidates (Independants)	5	9	76	3	8	52	153
5. Hindu Maha sabha	none	None	1	1	none	none	2
6. Communists	6	None	1	none	none	none	7
7. Radical Democratic Party	none	None	1	none	none	none	1
Total	56	18	100	25	28	56	283

TABLE II

**Parties which contested the Primary Election for seats reserved for the Scheduled Castes shown constituency-wise.**

PART I - MADRAS

Constituency in which Primary election was contested	Total Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each.			
		Congress	Scheduled Castes Federation	Communists	Non-Party Candidates (Independents)

1. Amalpuram	7	1	4	2	none
2. Coconada	5	1	4		none
3. Bandar	5	1	1	3	none
4. Cuddappa	5	1	4	none	none
5. Penukonda	5	1	4	none	none
6. Tiruvannanali	6	1	5	none	none
7. Tindivanam	6	1	5	none	none
8. Mannergudi	5	1	none	1	3
9. Pollachi	7	1	4	none	2
10. Nammakal	5	1	4	none	none
Total	56	10	35	6	5

PART II – BOMBAY

Constituency in which Primary election was contested	Total Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each.		
		Congress	Scheduled Castes Federation	Non-Party Candidates (Independents)
Bombay City (North)	7	1	1	5
Bombay City (Byculla & Parel)	6	1	1	4
East Khandesh (East)	5	1	4	none
Total	18	3	6	9

PART III - BENGAL

Constituency in which Primary election was contested	Total Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each.					
		Congress	Scheduled Castes Federation	Hindu Maha Sabha	Non-Party Candidates (Independents)	Communists	Radical democratic Party
1. Hoogly	5	1	none	none	3	...	1
2. Howrah	7	3	none	none	4	...	...
3. Nadia	12	1	none	none	11	...	...
4. Jessore	7	1	2	none	4	...	...
5. Khulna	11	none	none	none	11	...	...
6. Dinajpur	16	2	none	none	13	1	...
7. Bogra	6	1	none	none	5	...	...
8. Mymensing	7	1	none	none	6	...	...
9. Faridpur	18	2	3	none	13	...	...
10. Bakergunj	6	none	3	1	2	...	...
11. Tipperah	5	1	none	none	4	...	...
Total	100	13	8	1	76	1	1

## PART IV – UNITED PROVINCES

Constituency in which Primary election was contested	Total Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each.				
		Congress	Schedule Castes Federation	Harijan League	Hindu Maha Sabha	Non-Party Candidates (Independents)
Agra City	11	1	5	1	1	3
Allahabad City	6	1	4	none	none	3
Almora	8	3	none	none	none	3
Total	25	5	9	1	1	9

## PART V – CENTREAL PROVINCES

Constituency in which Primary election was contested	Total Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each.			
		Congress	Schedule Castes Federation	Harijan League	Non-Party Candidates (Independents)
Nagpur-cum Sakoli	5	1	2	1	1
Hinganghat	6	1	2	1	2
Bhandara	5	1	3	1	None
Yeotmal	6	1	2	none	3
Chikhali	6	1	3	none	2
Total	28	5	12	3	8

## PART VI - PUNJAB

Constituency in which Primary election was contested	Total Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each.		
		Congress	Unionists	Non-Party Candidates (Independents)
Gurgaon	10		1	9
Kurnal	10	1		9
Ambala	8			8
Hoshiyarpur	9	1	1	7
Jullunder	6	1	1	4
Ludhiyaya	10	1		9
Lyalpur	6			6

Total	59	4	3	52
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**TABLE III**

Showing Province-wise the Votes obtained by different Parties which contested the primary Elections.

Name of Party	Votes secured by each Party in											
	Madras		Bombay		Bengal		United Provinces		Central Provinces		Punjab	
	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.
1. Congress	27838	33	5333	14	56848	33	4101	41.8	1131	10.7	8298	18
2. Scheduled Castes Federation	30199	36	28489	74	21129	12	3093	30.5	8685	82.8	nil	0.5
3. Independents	4648	4.5	3814	10	83869	47	1773	18.8	551		24618	
4. Harijan League	nil		nil		nil		370		113		nil	
5. Hindu Maha Sabha	nil		nil		760		452		nil		nil	
6. Unionist	nil		nil		Nil		nil		nil		13521	
7. Communists	20814	25	nil		10049	5.8	nil		nil		nil	
Total	83499		37636		172655		9789		10480		46437	

**TABLE IV**

Distribution of Total Votes Polled in Primary elections all through India and their distribution between Congress and Non-Congress parties.

Total Votes Polled throughout India in Primary election	In favour of Congress parties				In favour of Non-Congress parties							Total	P.C .
	Congress	Harijan League	Total	P.C .	Scheduled Castes Federation	Independents	Hindu Maha sabha	Communists	Unionist	Radical Democratic Party			
359532	103449	483	103932	28	91595	119273	1212	30863	13521	136	255600	72	

**TABLE V**

**Number of Candidates who became successful in Primary Elections in different Provinces classified according to their Party Affiliations**

Name of Party	Madras	Bombay	Bengal	United Provinces	Central Provinces	Punjab	Total
1. Congress	10	3	12	4	5	4	38
2. Scheduled Castes Federation	24	5	6	5	11	none	51
3. Independents	3	4	36	2	3	21	69
4. Harijan League	none	none	1	1	1	---	3
5. Hindu Maha sabha	none	none	none	none	none	---	---
6. Communists	3	none	1	none	none	---	4
7. Radical Democratic	none	none	none	none	none	---	---



Party							
7. Unionist	none	none	none	none	none	3	3
Total	40	12	56	12	20	28	168

## 2

### \* **The Cabinet Mission and the Untouchables** **How the Cabinet Mission have Ignored the Untouchables ?**

The Cabinet Mission in their Statement of 10th May set out their Interim and Long-term proposals for the solution of the political deadlock in India. The most galling and astounding feature of their proposals is their refusal to recognise the Untouchables as a separate and distinct element in the national life of India. The Mission has so completely ignored the Untouchables that not even once have they mentioned them in their long statement. To what extent the Cabinet Mission has gone in ignoring the Untouchables will be apparent from the following:—

(i) The Untouchables have not been given the right to nominate their representatives in the Central Executive as has been done in the case of the Sikhs and the Muslims. In the present Interim Government they have got two representatives of the Scheduled Castes neither of them owe any allegiance or obligation to the Scheduled Castes. One is nominated by the Congress and the other is nominated by the Muslim League.

(ii) In the Interim Government, the Untouchables have not been given a fixed quota of representation as was done in the case of the Muslims. At the Simla Conference of 1945 it was agreed that Scheduled Castes should have at least two members in a Cabinet of 14. The reason for a change of front between 1945 and 1946 is not known.

(iii) They have not been given the right to separate representation in the Constituent Assembly.

#### **How the Cabinet Mission's decision constitutes a departure from established policy of H.M.G.**

2. The decision of the Cabinet Mission has not only done a grave wrong to the Untouchables but it has registered a serious departure from the principles which have guided H.M.G. in its policy regarding Indian politics and regarding the position of the Untouchables.

(i) Before 1920, the Constitutional changes in the Government of India were made by the British Government on their own authority and in accordance with their own wishes. It was for the first time, that in 1920 that the British Government decided to frame the Constitution of India in consultation with Indians. Accordingly, a Round Table Conference was called to which Indians were invited. Among the Indians, there were representatives of the Untouchables who were invited separately and independently of the

Congress or of any other political party.

(ii) Mr. Gandhi, the Congress representative, at the Round Table Conference fought against the recognition of the Untouchables as a separate element in the national life of India and contended that they were part of the Hindus and were therefore not entitled to separate representation. The British Government overruled Mr. Gandhi and by their Award recognised that the Untouchables were a separate and distinct element in the national life of India and were therefore entitled to the same safeguards as the other minorities of India such as the Muslims, Indian Christians etc.

(iii) The British Government adhered to this principle in the Simla Conference which was held in June 1945. Among the Indians invited to that Conference there was a representative of the Untouchables who again was invited separately and independently of the Congress or any other political party.

(iv) It may be said that in the Constituent Assembly which formed part of the Cripps proposals of 1942, there was no provision for separate representation of the Untouchables and that therefore, the present proposals of the Cabinet Mission cannot be said to mark a departure. The answer is that they do. In the Cripps Proposals of 1942, it is not that the Untouchables alone were not given separate representation. The fact is that no minority community was given separate representation in the Constituent Assembly. But in the Constitution of the Constituent Assembly of the Cabinet Mission, the Muslims and the Sikhs have been given separate recognition and separate representation which is denied to the Untouchables. It is this discrimination which constitutes the wrong of which the Untouchables are complaining.

3. The inequity of the proposals of the Cabinet Mission thus lies in the fact that it departs from the policy of recognising the Untouchables as a separate element in the national life of India and discriminates them by not recognising them while recognising the Muslims and Sikhs.

#### **How the Cabinet Mission's decision abrogates the pledges given by H.M.G. to the Untouchables ?**

4. The non-recognition of the Untouchables as a separate element by the Cabinet Mission is contrary to the pledges given to them by and on behalf of the British Government. The following are some of the pledges worth mentioning.

(i)

" Nor must we forget the essential necessity in the interests of Indian unity, of the inclusion of the Indian States in any Constitutional Schemes.

I need refer only two of them—the great Muslim minority and the Scheduled Castes—There are the guarantees that have been given to the minorities in the past ; the fact that their position must be safeguarded, and that those guarantees must be honoured."

—*Extract from the speech made by Lord Linlithgow, at the Orient Club, Bombay on January 10, 1940.*

(ii)

" These are two main points which have emerged. On these two points. His Majesty's -Government now desire me to make their position clear. The first is as to the position of the minorities in relation to any future Constitutional Scheme..... It goes without saying that they (H. M. Government) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government."

— *Extract from the Statement by Lord Linlithgow on 8th August 1940.*

" Congress leaders..... have built up a remarkable organisation, the most efficient political machine in India..... if only they had succeeded. If the Congress could in fact speak, as it professes to speak, for all the main elements in India's national life, then however advanced their demands, our problem would have been in many respect far easier than it is today. It is true that they are numerically the largest single party in British India, but their claim in virtue of that fact to speak for India is utterly denied by very important elements in India's complex national life. These others assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian policy. The foremost among these elements stands the great Muslim community. They will have nothing to do with a Constitution framed by a Constituent Assembly elected by a majority vote in geographical constituencies. They claim the right in any constitutional discussions to be regarded as an entity against the operations of a mere numerical majority. The same applies to the great body what are known as the Scheduled Castes who feel, in spite of Mr. Gandhi's earnest endeavours on their behalf, that as a community, they stand outside the main body of the Hindu community which is represented by the Congress."

—*Extract from the speech by the Rt. Hon'ble Mr. L. S. Amery, Secretary of State for India, in the House of Commons on August 14, 1940.*

(iv)

" Without recapitulating all these reasons in detail, I should remind you that His Majesty's Government at that time made it clear:—

(a) That their offer of unqualified freedom after the hostilities was made conditional upon the framing of a Constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government;

(b) That it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a " National Government " such as you suggest could be made responsible to the Central Assembly.

The object of these conditions was to ensure the fulfilment of their duty to safeguard the interest of the racial and religious minorities, of the Depressed Classes and their treaty obligations to the Indian States. "

—*Extract from the letter by Lord Wavell to Mr. Gandhi, dated 15th August, 1944.*

5. The Cabinet Mission's proposal not to give separate representation to the Untouchables is not the result of their individual judgement arrived at on an honest examination of the relevant facts. On the other hand, what the Mission has done is to pamper to the prejudices of Mr. Gandhi. Mr. Gandhi is vehemently opposed to the recognition of the Untouchables as a separate element in the national life of India. He opposed their recognition at the Round Table Conference. When he found that notwithstanding his opposition they were recognised as a separate element by the Communal Award of Mr. Ramsay Macdonald he threatened to fast unto death if the separate recognition of the Untouchables was not withdrawn. Again in 1945 at the First Simla Conference Mr. Gandhi raised his opposition when he found that H.M.G. had given separate recognition of the Untouchables. The Cabinet Mission were anxious to make a success of their proposals. That was not possible unless they could secure the consent of Mr. Gandhi. Mr. Gandhi demanded his price and the Mission gave it. That price was the sacrifice of the separate political existence of the Untouchables. Indeed one can go further and say that the proposals of the Cabinet Mission, so far as the minorities are concerned, are nothing but the reproduction of Mr. Gandhi's formula which he resounded at the Second Round Table Conference. Mr. Gandhi said that he would recognise only three communities for political purposes (1) Hindus, (2) Muslims and (3) Sikhs. The Mission's formula is a mere copy of Mr. Gandhi's formula. There is no other explanation.

### III

#### **Grounds urged by the Cabinet Mission in Justification of its decision.**

6. For justifying their decision not to recognise the Untouchables as a separate element the Cabinet Mission has relied upon the results of the elections to the Provincial Legislative Assemblies which took place in February 1948. In the course of the debate in Parliament on the Cabinet Mission's proposals which took place on 18th July 1946, the members of the Mission have tried to make out the following points:—

(i) That in the election, the Congress captured all seats reserved for the Untouchables; that therefore the Congress represented the Untouchables. That being the case there was no justification for giving separate representation to the Untouchables.

(ii) That the following of the All-India Scheduled Castes Federation and my own was confined only to Bombay and Central Provinces.

#### **Futility of the grounds**

7. These are monstrous propositions and will not stand close and honest scrutiny. The Cabinet Mission, to start with committed a great mistake in adopting the results of the election as a basis for assessing the representative character of the Congress. In doing so, the Mission failed to take into account the following circumstances:—

(i) The Hindu electorate was throughout the war intensely anti-British and although it did war work it did not do it willingly. The Congress Party which was anti-British and had non-co-operated with the war effort was a hot favourite of the Hindu electorate. The other parties particularly the Scheduled Castes suffered in the election because they were pro-British and had co-operated in the war effort.

(ii) Just before the date fixed for election, the Viceroy and the Commander-in-Chief staged the trial of the I.N.A. men. The Congress at once took up the cause of the I.N.A. men and made it an election issue. The trial was the principal factor which enhanced the influence of the Congress which was on the wane.

(iii) The issue over which the election was fought was Independence and Quit India. The nature of the future Constitution of India was never the issue. If it had been the issue the Congress would never have got the majority it did.

(iv) The Cabinet Mission did not take into account the open hostility shown by the Returning Officers and the Polling Officers— all of whom were Caste Hindus—against the Scheduled Caste candidates who were opposing the Congress. They went to the length of rejecting their nomination papers and refusing to issue ballot papers. The Cabinet Mission did not take into account the degree of terrorism and intimidation to which the Untouchable voters were subjected by the Caste Hindus on the ground that they were not prepared to vote for the Congress candidates. In the Agra City 40 houses of the Untouchables were burnt down. In Bombay one man from the Untouchable was murdered and in the mofussil Untouchable voters in hundreds of villages were not allowed to go to the Polling stations. In Nagpur a Police Officer became so much of a partisan of the Congress that he fired without the permission of the Magistrate on a crowd of Untouchable voters just to frighten them away. There were innumerable such cases all over India.

8. If the Cabinet Mission had taken into account these circumstances they would have realised that the success of the Congress at the elections was due to purely advantageous circumstances. The results of the elections held under such circumstances should not have been taken as a justification for not giving separate representation to the Untouchables in the Constituent Assembly.

#### **How the Mission adopted a false criterion for its decision**

9. The criterion adopted by the Mission to decide whether the Congress did or did not represent the Untouchables was how many seats reserved for Untouchables were won by the Congress in the Final Election. This criterion

was a false criterion because the results of the final elections are beyond the control of the Untouchables. Under the Poona Pact the final elections are determined by the Hindu votes. The true criterion which the Mission should have adopted was to find out how the Untouchables voted, how many votes were cast in favour of the Congress and how many against the Congress. This can be judged from the results of the Primary elections only and not from the results of the final elections. For in the Primary election only the Untouchables vote. If the results of the Primary elections are taken as a basis, the decision of the Cabinet Mission, would be found to be absurd and contrary to facts. For only 28 per cent of the votes polled in the Primary elections were cast in favour of the Congress and 72 per cent against it.

10. It is said if the Untouchables felt that they were not in the Congress they should have had a Primary election for every one of the 151 seats reserved for them. As a matter of fact, there were Primary elections for 43 seats only all throughout India. Why did the Untouchables not stage a Primary election for the rest of the 108 seats ? The argument is absurd for the following reasons:—

(i) Primary election is not obligatory. It becomes obligatory only when there are more than four candidates contesting one seat. It is not realised that anyone who stands for Primary election must also face the necessity of having to stand for final election. The inability of the Untouchables to bear the expense of double election make it very difficult to induce members of the Untouchable communities to stand for Primary election. The fact that there have been Primary elections only for 43 seats cannot be made the basis for the inference that the Untouchables do not claim to be separate from the Congress.

(ii) It is the Congress who must be asked as to why it did not put up 4 candidates in every constituency in the Primary elections. For if the Congress claims to represent the Untouchables, it should have put up more than 4 candidates on Congress ticket in every constituency and brought about Primary elections in each of the 151 constituencies and ousted every other party from coming into the final election. The Congress did not do this. On the other hand, even in the 43 Primary elections, the Congress put up only one candidate in each constituency on the off-chance of his coming within the first 4 and then getting him returned in the Final Election with the Hindu votes. This shows that the Congress knew that the Untouchables had no confidence in the Congress. (iii) It is only in 1937 that the Untouchables for the first time got their right to vote. It is only after 1937 that the Untouchables started organising themselves for conducting elections. From the mere fact that Scheduled Castes Federation was outmatched by the Congress in the elections, it is wrong to conclude that the Untouchables are with the Congress. The Cabinet Mission ought to have made allowance from the unequal strength of the Congress and the Scheduled Castes Federation in

fighting elections drawing any conclusions adverse to the Federation from the results of the elections.

### **Futility of other grounds urged by the Mission in justification of their decisions**

11. The members of the Cabinet Mission argued that Dr. Ambedkar's following was confined to the Scheduled Castes in the Bombay Presidency and the Central Provinces only. There is no foundation for this statement. The Scheduled Castes Federation is functioning in other Provinces as well and it has won therein notable electoral successes, as great as, if not greater than, in Bombay and the Central Provinces. In making this statement the Mission has failed to take into account the signal victory Dr. Ambedkar obtained in the election to the Constituent Assembly. He stood as a candidate from the Bengal Provincial Legislative Assembly. He topped the poll as the general seats were concerned, beating even Mr. Sarat Chandra Bose the Leader of the Congress Party. If Dr. Ambedkar has no influence outside Bombay and Central Provinces how did he get elected from Bengal ? It must be further remembered that there are 30 seats for the Scheduled Castes in the Bengal Provincial Assembly. Out of the 80 as many as 28 were elected on the Congress ticket. Of the two who belonged to his party one fell ill on the day of the election. Notwithstanding this Dr. Ambedkar topped the poll. This could not have happened unless the Scheduled Caste members of Bengal elected on the Congress ticket had voted for him. It must also be remembered that Scheduled Castes in Bengal do not belong to the community to which Dr. Ambedkar belongs. This shows that even those Scheduled Caste members who belong to the Congress and who do not belong to his community regard him as the leader of the Scheduled Castes. This completely disproves the statement made by the members of the Mission.

12. The members of the Cabinet Mission argued that for the sake of maintaining uniformity in the composition of the Constituent Assembly they had to adopt in the case of the Untouchables the result of the Final elections as they had done in the case of the other communities. The argument is a form of special pleading which has no force. The Mission knew the final election of the Muslims, the Indian Christians and the Sikhs was by separate electorates. The final election of the Scheduled Castes was not by separate electorates. Consequently, for the sake of uniformity the Mission should have taken the results of the primary elections for giving representation to the Untouchables in the Constituent Assembly. The Mission was bound to do so because it was admitted by Sir Stafford Cripps in the debate that the system of election of the Untouchables as determined by the Poona Pact was inequities. Why did the Mission then adopt it as a basis for its decision ?

## **IV**

What could be done to save the Untouchables from impending peril

13. The Cabinet Mission has by the Constitution of the Constituent Assembly left the Untouchables entirely at the mercy of the Caste Hindus who have an absolute majority in it. The Untouchables want the restoration of separate electorates given to them by the Communal Award by H.M.G. and the abrogation of the Poona Pact which was forced upon them by coercion practised by Mr. Gandhi through his fast unto death. This, the Hindus are bound to oppose. In reply to the criticism that they have been left to the mercy of the Hindu majority the Cabinet Mission has been advertising their proposal for an Advisory Committee on Minorities as a means of safeguarding minority rights. Anyone who examines the powers and Constitution of the Advisory Committee will know that the body is worse than useless.

(i) In its composition it is only a pale reflection of the Constituent Assembly. The Hindus will dominate it in the same way as they do the Constituent Assembly;

(ii) The fact that there will be a certain number of Untouchables in the Constituent Assembly as well as in the Advisory Committee elected by the goodwill of the Congress can be of no help to them for the Untouchable members of the Assembly and of the Committee are but the creatures of the Hindus;

(iii) The decisions on questions relating to the minority protection by the Advisory Committee are left to the bare majority which means that the decision will be taken by the caste Hindus and imposed upon the minorities.

(iv) The decision of the Advisory Committee even if they are favourable are no more than recommendations. They are not binding on the Constituent Assembly.

14. The device of an Advisory Committee is thus a hoax if not a humbug and cannot be relied upon to counteract the mischief the Hindu majority may do to the cause of the minorities. The Hindu majority has singled out the Untouchables for their malicious intention and seems to be determined to deprive them of the right to claim the political safeguards which are due to a majority. This is apparent from the letter addressed by the Congress on 25th June 1946 (item 21 in Cmd. 6861). In that letter the Congress has taken the stand that the Untouchables are not a minority. This is an astounding proposition. For according to Mr. Gandhi's own admission in his weekly called the Harijan of 21st October 1939 the Untouchables were the only real minority in India. The Congress has thus taken a complete somersault. The stand now taken by the Congress is contrary to the underlying principles of the Government of India Act, 1935, which recognises them a minority. What mischief is contemplated by this somersault it is not possible to know. If the Congress does not regard the Untouchables to be a minority it is possible that the Constituent: Assembly might refuse to give them the same safeguards which it might agree to give to the other minorities. The Advisory Committee cannot therefore save the Untouchables from peril.



15. Parliament must therefore intervene to see that the position of the Untouchables is not jeopardised. This Parliament must do, not merely because of the pledges it has given but also because of the fact that the discussions of the Constituent Assembly are not subject to ratification.

16. What can Parliament do ? The Untouchables would like that the wrong done to them in regard to the Interim Government redressed. They would like their quota fixed. They would like to be given the right to nominate their representatives to the Executive Council. These rights are not new claims. They are vested rights of the Untouchables which were recognised as late as the Simla Conference of 1945. They realise that this wrong it may be difficult to redress now. But if circumstances change and the Government is reconstituted they expect Parliament to press H.M.G. to right this wrong.

17. Much can be done now to save the Untouchables from the injury which the Constituent Assembly, dominated by the caste Hindus who are determined to deprive the Untouchables of their political safeguards may do. To prevent this mischief the following steps could be taken:—  
I—Press H.M.G. to make a declaration that they regard the Untouchables as a minority.

This is essential in view of the stand taken by the Congress in its letter of the 25th June 1946 (Item 21 in Cmd. 6861). This is all the more necessary because the Viceroy in his reply to the Congress dated 27th June 1946 (Item 38 in Cmd. 6861) has avoided giving a specific denial to the contention of the Congress that the Untouchables are not a minority. If the Government is not pressed to make a declaration now the Untouchables will suffer in two ways :—

(a) The Constituent Assembly dominated by the Hindus will deny them the rights of the minority.

(b) H.M.G. will be free not to come to their rescue on the ground that they were not committed to regard the Untouchables as a minority.

II. Press for a declaration as to whether H.M.G. will Institute machinery, if so of what sort, to examine whether the safeguards for minorities framed by the Constituent Assembly are adequate and real.

(a) In their Supplementary Statement dated 25th May 1946 (Cmd. 6835) the Cabinet Mission say :—

" When the Constituent Assembly has completed its labours. His Majesty's Government will recommend to Parliament such action as may be necessary for the cessation of sovereignty to the Indian people, subject only of two matters which are mentioned in the statement and which we believe, are not controversial, namely: adequate provision for the protection of the minorities (paragraph 20 of the statement) and willingness to conclude a treaty with H.M.G. to cover matters arising out of the transfer of power (Paragraph 22 of the statement) ".

The idea behind this paragraph is not quite clear. It is necessary to press

H.M.G. to clarify their intention.

(b) If the words ' subject to ' mean that H.M.G. reserve to themselves the right to examine the safeguards for the minorities framed by the Constituent Assembly in order to find out whether they are adequate and real it is necessary to press H.M.G. to state what machinery they propose to institute for such an inquiry. The machinery of a Joint Parliamentary Committee with power to examine witnesses from minorities communities would be most appropriate. There is a precedent for it. A joint Parliamentary Committee was appointed when the Government of India Act of 1935 was on the anvil. There would be nothing wrong in following the precedent in dealing with the report of the Constituent Assembly.

III. Press H.M.G. to declare if they will insist upon the Constitution framed by the Constituent Assembly containing clause circumscribing the power of the future Indian Legislature to do away with minority safeguard by bare majority.

(a) Neither the first Statement of the Cabinet Mission of May 16, 1946 nor the Supplementary Statement of May 25, 1946 deal with the question of providing against the Legislature of a Free India altering the Constitution and abrogating the clauses dealing with the protection of minorities. There is no use in Parliament introducing safeguards if these safeguards can be done away with by the Indian Legislature. The only safeguards against such action is to see that the Constitution framed by the Constituent Assembly contains clauses putting limitations on the Constituent powers of the Indian Legislature and prescribing conditions precedent to be fulfilled before alterations in minority safeguards are made. Such provisions exist in the Constitution of U.S.A. and Australia.

(b) Though this is a matter of vital importance to the minorities the Cabinet Mission has given no thought to the subject. It is necessary to press H.M.G. as to what they have to say on this question. —B. R. AMBEDKAR